IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20218 of 2004

Between:

1 Harijana Venkateswarlu, S/o. Linganna, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.
2 Madiga Dasthagiramma, W/o. Peddakaseemanna, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.
3 Madiga Linganna, S/o. Rangaiah, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.
4 Harijana Kaseemanna, S/o. Rangaiah, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.
5 Harijana Bojjanna, S/o. Rangaiah, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.
6 Harijana Rangaswamy, S/o. Hampanna, Hindu,
R/o. Pallidoddi(v), Devanakonda Mandal, Kurnool District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Devankonda, Kurnool District.
3 The Station House Officer, Devankonda, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders, direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents Nos. 2 and 3 in resorting to form a road in our lands in S.Nos.904 and 904/2 of Kunkanur Village accounts, Pallidoddi Village, Devanakonda Mandal, Kurnool District without following any process law is without jurisdiction, authority in arbitrary, malafide and violation of principles of Natural Justice and against to the Article -300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioners peaceful

possession and enjoyment of the land in any mode in the interest of justice.

Counsel for the Petitioners : MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

As seen from the averments made in the writ petition, it reveals that the officials of the respondents instigated the private persons to form a road in the lands belonging to the petitioners. Consequently, the said private persons passing their carts through the petitioners' lands in Sy.Nos.904 and 904/2 of Kunkanur village. When the petitioners objected, the 3rd respondent summoned and threatened them not to make any objection. When the petitioners pointed out about the illegal action of the 3rd respondent to the 2nd respondent, the 2nd respondent informed them that he can lay a road and seek the approval of the District Collector for the said action.

It is needless to say that the respondents cannot take the law into their hands and cannot threat the petitioners. However, the proper remedy for the petitioners is to move a competent Civil Court against the alleged irregularities by the respondents and can obtain necessary orders including that of the police protection, if necessary, to maintain possession over the land in question. The allegations made against the 2nd and 3rd respondents seem to be only for the purpose of filing the writ petition. The petitioner can also approach the District Collector for the illegal interference, if any, made by the official respondents.

The writ petition is misconceived and the same shall accordingly stand dismissed. No order as to costs.

04-11-2004

GJ

To

1 The Revenue Divisional Officer, Adoni, Kurnool District.
2 The Mandal Revenue Officer, Devankonda, Kurnool District.
3 The Station House Officer, Devankonda, Kurnool District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.